

Amendment
Application No. 10/644,772
Attorney Docket No. 031036

REMARKS

Claims 1-3 are pending in the present application. Claim 1 is herein amended.

Specification Objection

The Abstract of the disclosure was objected to because it exceeds 150 words. The Abstract has been amended to be fewer than 150 words. Withdrawal of the objection is requested.

Claim Rejections - 35 U.S.C. § 112

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that the limitation “the resulting rice” lacks antecedent basis and that the order of performing the steps is not clear. Claim 1 has been amended by removing the word “resulting” in each instance before the word “rice.” Withdrawal of the rejection is requested.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Tamura* (JP 04066064A). Favorable reconsideration is requested.

Applicants respectfully submit that Tamura does not disclose “boiling the rice” as recited in claim 1.

In the present invention, the “boiling of the rice” is carried out by adding water and then heating the rice and water to a boil. (Specification, page 5, lines 1-3.) The boiling step causes the rice to change into the swelling state.

Amendment
Application No. 10/644,772
Attorney Docket No. 031036

In Tamura, the rice is changed into the swelling state only *by pouring hot water* onto the rice and letting the water immerse into each individual rice grain. (Tamura, page 7, paragraph 3.)

Tamura does not “boiling the rice,” therefore, Tamura does not disclose the elements as recited in claim 1.

Applicants respectfully submit that Tamura does not disclose “boiling the rice ***having an oil film over the surface of each rice grain***” as recited in amended claim 1.

After the “Oil-drying & dehydrating process” disclosed in Tamura, cited by the Examiner as the frying step (Office Action, page 4), the rice goes through a defatting process before proceeding to the “Preservation Process” (Tamura, page 6). In the defatting process, the rice is poured into a centrifugal cage, which is driven and spun at a high velocity for approximately 1-3 minutes. As a result of the defatting process, the oils and fats are blown away and removed from the fried rice. (Tamura, page 6.) Then the rice is immersed in hot water, cited by the Examiner as the “boiling step.”

Since the oils and fats are removed from the rice before the alleged boiling step, the rice cannot be boiled having an oil film over the surface of each rice grain. Therefore, Tamura does not disclose the elements as recited in claim 1.

Regarding claim 2, Applicants respectfully submit that Tamura does not disclose that “the outer layer and the inner layer have a moisture content difference of 2.5 % to 5% between them.”

Amendment
Application No. 10/644,772
Attorney Docket No. 031036

The Specification of the present invention discloses preventing the moisture inside the grain from escaping to the outside and drying only the surface of the rice. (Specification, page 4.)

Tamura discloses dehydrating the entire rice grain and is silent about having a moisture content difference between different layers in the rice grain. Furthermore, *Tamura* discloses dehydrating the rice during the frying step to a water content of approximately 0.0 wt%. (*Tamura*, p. 6.) This means that moisture is approximately completely removed from the rice. If there is approximately no moisture in the rice, then there cannot be a difference in moisture content between the layers of about 2.5 to 5%.

Tamura does not disclose a moisture content difference between the outer and inner layers of about 2.5 to 5 %. Therefore, Tamura does not disclose the elements as recited in claim 2.

Double Patenting

Claims 1-3 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5 of co-pending **Application No. 11/135,436** in view of *Tamura*. Favorable reconsideration is requested

Applicants respectfully submit that the '436 claims do not recite "frying the rice" between the cooling and individuating step and the boiling step as recited in claim 1 of the present application.

Amendment
Application No. 10/644,772
Attorney Docket No. 031036

In the '436 claims, the frying step is carried out during the cooking step or after the cooking step. Therefore, the present claims are not obvious over the '436 claims in view of Tamura.

Accordingly, withdrawal of the rejection of claims 1-3 based on Tamura and the double patenting rejection of claims 1-3 based on the '436 claims in view of Tamura is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/tw